UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/AC.2/1991/6/Add.1
1 July 1991

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Working Group on Contemporary Forms of Slavery
Sixteenth session
29 July-2 August 1991
Items 4 and 5 of the provisional agenda

PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information received from non-governmental organizations

Note by the Secretary-General

Addendum

CONTENTS

	Page
International Committee of the Red Cross	2
Friends' World Committee for Consultation	3
Christian Children's Fund	5
Coalition against Trafficking in Women	6
International Association of Democratic Lawyers	9
International Catholic Child Bureau	16

GE.91-12290/3364B

INTERNATIONAL COMMITTEE OF THE RED CROSS

[4 June 1991]
[Original: French]

1. ICRC was extremely interested to learn of resolution 1991/55 of the Commission on Human Rights, entitled "Programme of action for the elimination of the exploitation of child labour".

2. ICRC's mandate is to protect and assist the military and civilian victims of armed conflicts and of domestic strife and tension. It is within this specific context that it concerns itself with the fate of children who, on account of their vulnerability, require special protection. The Committee seeks to protect children better and to promote their rights through its action on behalf of the victims of such situations.

FRIENDS WORLD COMMITTEE FOR CONSULTATION

[12 June 1991]
[Original: English]

Children at War: Spies

1. The international protocols of 1977, additional to the Geneva Conventions of 1949, include a provision stating that:

> "The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into the armed forces. In recruiting among those persons who have attained the age of fifteen but who have not attained the age of eighteen years, the parties to the conflict shall endeavour to give priority to those who are the oldest."

The Convention on the Rights of the Child, adopted by the United Nations General Assembly in 1989, included similar provisions.

2. In line with the interdiction on children's participation in war, the UNICEF conference on "The Protection of Children in Armed Conflict in Africa" had deplored:

> "the alarming trend of parties at war to recruit minors and to use them for all sorts of dangerous missions such as the detection of mines, the transport of munitions, spying on enemy territory, and combat in the front lines." 1/

3. The role of children as spies in conflicts around the world is not well known, so it is worthwhile examining a few historical examples. In past ages child soldiers and child spies have sometimes been looked upon as heroes rather than victims, so it is useful to re-examine what is happening in current wars so as to determine whether modern child spies are functioning under different conditions. Then it may be easier to understand why human rights advocates and child protection agencies as well as the peacemaking forces believe that, in addition to the general standards set in international humanitarian law to keep all children under 15 out of hostilities, international measures should be devised to discourage war leaders from turning children into spies.

4. Various United Nations agencies, meetings organized under their auspices, as well as certain non-governmental organizations concerned with the study or protection of children's rights, have spoken out against the use of children as spies in the wars of the late twentieth century. These organizations have protested against the use of force to make children spy. Some of the child

---

1/ Jacques Barrin, "Les Enfants dans la Guerre", La Monde, Paris, 7 August 1987.

spies have been the children of the enemy pressured into traitorous acts; some have been war orphans with no adults to protect them; some have been refugees uprooted from the usual constraints of the home society; and some have been captives who were considered disposable by their captors. Their right to choose freely was flouted.

5. Various organizations have protested because of the physical danger to the child spy operating in enemy territory, often without means of self-defence and in danger of torture and death should he be caught. Their rights to life and corporal integrity are threatened.

6. Protests have been voiced against the moral danger facing a young spy who is found to be a traitor to his own people, who uses duplicity and deception before he really knows the meaning of his own acts, who is led to believe that the end justifies the means for the revolution of the State. They usurp the rights of others before they even have much of a notion of human dignity.

7. The popularity of spy stories and movies is a factor in making it likely that humanitarian protest will sometimes fall on deaf ears. The fact that toy manufacturers have advertised a "spy kit" so that children may learn the trade of the spy blurs the lines between spying as a game or as a necessary evil or as a reprehensible activity. For many, duplicity for a good cause is not considered morally threatening.

8. The international protocols of 1977 on international humanitarian law are clear that children under 15 should not be enlisted in hostilities. The use of children as spies is covered by these protective provisions; but there is no doubt that additional protests are valuable not only for preventing the warring powers from forcing or taking advantage of the vulnerability of certain groups of children, but also to imprint upon the public mind that the image of the child soldier as badly armed cannon fodder must be supplemented by the image of the child spy risking other dangers.

CHRISTIAN CHILDREN'S FUND

[22 February 1991]
[Original: French]

1. The board of the Christian Children's Fund in Haiti wishes to draw the attention of the Working Group on Contemporary Forms of Slavery to the policy of restavek, which constitutes a form of slavery in Haiti, and involves children in domestic service with "adoptive families".

2. This system, which is still common among extremely poor families who are unable to pay a servant, leads to children in domestic service being subjected to all kinds of physical, sexual, psychological and other forms of violence. In addition, in most cases the system does not even guarantee that the child's basic needs will be met (food, shelter, schooling), although this is the objective sought by its natural parents.

3. Your attention is also drawn to the fact that the majority of children in domestic service are girls (who perform household tasks), as boys soon flee the ill-treatment to become "street children", while girls endure the treatment until they reach puberty, before leaving to work as paid servants or to swell the ranks of prostitutes.

4. The practice of restavek is a breach of the Convention on the Rights of the Child and of the conclusions of the World Summit for Children. The Christian Children's Fund sincerely hopes that this file will be kept open and will remain on the agenda of United Nations bodies to allow international cooperation until specific measures are adopted to control and definitively eliminate the practice.

5. The second practice to which attention should be directed, as it also constitutes a contemporary form of slavery is "zombification". By using certain methods that have not yet been scientifically clarified, it is allegedly possible to transform individuals into living corpses, which are buried as if they were dead. After some time, it is possible to exhume them and to use them as labour, mainly in the fields. Persons who have been subjected to this pseudo-death apparently retain all their physical strength, but suffer from a form of mental stupor which prevents them from reacting against any ill-treatment and leaves them entirely dependent on their owner. To complete the picture, it should also be emphasized that this practice allows people who own large areas of farming land to purchase zombies from a criminal "hougan".

6. There is no need to point out that this practice bears all the marks of slavery.

COALITION AGAINST TRAFFICKING IN WOMEN

[3 June 1991]
[Original: English]

1. The Coalition Against Trafficking in Women wishes to state that, in its view, the approach to prostitution according to which different kinds of prostitution are identified suggests that there are instances of prostitution that do not violate the human rights of women. This approach is dangerous to women and antithetical to the spirit and intent of human rights and it is the consequence of two phenomena: (1) the presence of a powerful pro-prostitution lobby, especially in Europe, with vested economic interests in the sex industry, which promotes prostitution as casual and inconsequential in its effects; and (2) the distinctions made among human rights advocates and in the 1949 Convention itself between free and forced prostitution which serves to make one form of exploitation more acceptable than another. Likewise, we note that in regard to prostitution, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, adopting the language of the 1949 Convention, provides no substantial protections against prostitution which is, in fact, a severe form of sex discrimination.

2. Today, prostitution flourishes throughout the world, destroying individual lives and keeping women economically marginalized. The myth that prostitution is inevitable caters to the customer's need to reduce women to sex objects which can be taken in rape or brought in prostitution. This myth is used to justify the massive prostitution of women and girls living in severe poverty in the Third World, those suffering displacement as refugees or made vulnerable by urban-rural migration. However, these problems alone do not cause prostitution, which deeply aggravates the harm experienced by women in these situations.

3. Having studied the contemporary conditions of prostitution, the Coalition finds that it is concentrated in several forms. Organized prostitution includes military prostitution, sex tourism and mail-order brides. This prostitution is carried out through multinational conglomerates specializing in producing packages of sexual services. Entire villages in Thailand, the Philippines and other South-East Asian countries have been turned into centres for prostitution tourism for military and businessmen. Disguised traffic operates in the form of fraudulent agencies and procurers which prey on vulnerable women and children such as migrants, refugees, women working in free-trade zones and internally displaced persons.

4. In recent decades, massive increases in global prostitution have been accompanied by intensive campaigns to legitimize it. Often, especially in the West, this promotion builds upon the distinctions that have been made between "free" and forced prostitution. In Thailand, religious customs are changing in favour of legitimizing prostitution of daughters because of the income they produce for their families in poor rural villages. In the Philippines, where prostitution is illegal, it is the policy to consider the large number of women in prostitution in the tourist industry as "entertainers", thereby evading the law. In the Soviet Union, according to a recent poll, prostitution is one of the top ten aspirations of young women. In some

European States, new policy not only legitimizes prostitution, it eliminates restrictions against pimping: "It follows from the right of self-determination, which is enjoyed by an independent adult man or woman on whom no unlawful influence has been brought to bear, that he or she is at liberty to decide to act as a prostitute and allow another person to profit from his own earnings." (United Nations, document E/1990/13, p. 7)

5. Research and women's testimony have established the close connection between childhood sexual abuse and prostitution. But prostitution is sexual exploitation which violates women and children whether or not there was prior victimization. As long as prostitution is ignored as a human rights violation of women, and men can buy sex and the bodies of women with impunity, different and more degrading inhuman practices will flourish placing the human rights of both prostitute and non-prostitute women increasingly at risk.

6. Women's movements have progressed in creating consciousness of the need to combat violence against women. However, internationally and nationally, considerable confusion and contradiction remain in the area of sexual exploitation. Evidence of that confusion is that while rape, sexual harassment and incest are treated as violations of women's dignity and rights, prostitution is not. Rather the prostitute woman is either treated as a criminal or considered a "professional", and both approaches falsely separate prostitution from sexual exploitation. Prostitute women are subjected to different standards of justice: what constitutes sexual violation of non-prostitute women is considered either "free" or merely "lewd" for women in prostitution. As long as prostitution is treated as being different from women's common experience of sexual exploitation, the prostitute woman is dehumanized and her human rights denied.

7. Pro-prostitution organizations have conflated women's rights with "prostitution rights". Women's rights have already been established universally and their protection must be extended to all women in prostitution including: the right to a decent standard of living and to work that does not dehumanize, the right to custody of one's children, the right to protection from sexually transmitted diseases, the right to a private life as well as freedom from ostracism for being a prostitute. However, the pro-prostitution lobby subordinates these rights to the "right to prostitution", which is represented as a women's choice.

8. Prostitution cannot exist as a right because it usurps and negates prostitute women's right to human dignity, bodily integrity and physical and mental well-being and it constitutes severe sex discrimination. It denies equality, promotes racism and sexism through stereotypes that sexually exploit women, and violates established human rights including articles 1, 4 and 5 of the Universal Declaration of Human Rights. A "right to prostitution" would nullify all other protections of women's human rights, both for the woman prostituted and ultimately for all women.

9. Today, the 1949 Convention has only limited value in protecting women's human rights because: (1) it promotes decriminalization which frees the customer to buy sex; (2) it ignores the element of sexual exploitation in prostitution; and (3) it does not account for the role of prostitution in the overall subordination of women in society. However, because it prohibits

pimping, the 1949 Convention should be strengthened, especially in terms of monitoring, with "proxenetism" broadened to include the industries that promote prostitution.

10. The Coalition calls for a new approach to prostitution which recognizes that it is sexual exploitation. This approach must be developed based on universal standards of human rights and applicable to all persons subjected to sexual exploitation. Sexual exploitation has been the missing dimension in accounting for violations of women's human rights since the 1949 and 1979 Conventions. In considering prostitution as a human rights violation the Coalition against trafficking in women has established a common context shared by victims of other forms of sexual violence and by prostitution.

11. Some elements that could be included in a new United Nations Convention against sexual exploitation are the following:

Sexual exploitation is a violation of human dignity, therefore:

1. It is a fundamental human right to be free of sexual exploitation.

2. Sexual exploitation is a practice by which person(s) achieve sexual gratification or financial gain or advancement through abuse of a person's sexuality by abrogating that person's human right to dignity, equality, autonomy, and physical and mental well-being.

3. Sexual exploitation takes the forms of, but is not limited to, sexual harrassment, rape, incest, wife abuse, pornography and prostitution. Exploitation of prostitution includes casual, brothel, military, pornographic prostitution and sex tourism, mail-order brides, and trafficking in women.

4. As sexual exploitation violates human rights, in prostitution we must depenalize the prostitute, penalize the customer and anyone who promotes sexual exploitation to achieve sexual gratification or financial gain or advancement including pimps and procurers.

5. Sexual exploitation violates the human rights of anyone subjected to it, female or male, adult or child, Western or Third World persons. Therefore this definition rejects any of these distinctions as artificial and serving to legitimize some prostitution.

6. Sexual exploitation preys on women and children made vulnerable by poverty and underdevelopment, status as refugees or displaced persons, and economic policies which promote immigration for labour.

7. Sexual exploitation of women through prostitution victimizes women both within and outside of prostitution. When prostitution is accepted and normalized, what is legitimized is the sale of the body and sex of the individual prostitute and it is the sale of any woman. It reinforces the societal equation of women with sex which reduces women to less than human and contributes to sustaining women's second-class status throughout the world. When prostitution is accepted, what is legitimized is not only the sale of sex and of the individual prostitute, the sale of a woman, but it is also the sale of any woman.

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

[15 June 1991]
[Original: English]

Report on transplants of organs taken from destitute children

1. The IADL has always opposed the violations of human rights everywhere in the world and has been one of the first NGOs to denounce the exploitation of children for immoral purposes. This met with great scepticism at first because nobody could believe that anyone could use very small children, from 3 to 10 years old, for such practices. However, it brought considerable amounts of money to traffickers belonging to various mafias.

2. Several years later we have become aware of a problem even more cruel and even more difficult to believe: the transplant of organs taken (illegally of course) from destitute children and sold to richer people. The matter came up at the same time in six countries where there was great poverty together with much uncertainty in the police and the judiciary. Father Barruel of Brazil was one of the first to mention this tragedy. He showed to the Sub-Commission on Human Rights an article in Témoignage Chrétien, followed shortly afterwards by an important report in Libération describing the traffic of organs. The countries indicated were Guatemala, Brazil and Haiti, to which one could add, according to several witnesses, Colombia, the Dominican Republic and India.

3. In Colombia recently a group of journalists who had gone to report on the political situation discovered by chance, and thanks to a man who has dedicated his life to the poor children of Bogotá, a four-year-old girl whose eyes had been pulled out after she had disappeared from the street where she was playing in a barrio of Bogotá; she was found still alive, with a note pinned on her dress saying "Thanks for your gift" and a 500 peso banknote. The journalists also related several other documented incidents of this nature amongst others:

4. The man who protects the children of Bogotá and who showed to the journalists the mutilated children was ready to come and testify before the Working Group on Slavery, but it could not be arranged. He did, however, write the following to the IADL:

> "For several years one has spoken about a traffic of organs for transplants (eyes and kidneys); witnesses to these facts can be found amongst the inhabitants of the barrios, such as Lucero Alto. The monthly El Tiempo mentioned in 1989 that five gamines had been found dead on the street with empty sockets.
>
> "There are five eye banks in Bogotá (a town famous for its ophthalmological clinics, a heritage of the Spanish tradition) and it was noted that there was a strange traffic going on between the hospitals of the south and those of the north of the city. Some doctors, for instance, said to a mother, "your son has a brain tumor, it is better to take his eyes out". This child is now in a home for the blind and never had a brain tumor. In another hospital other doctors said to a mother

we have given a drug to your son and for that reason the child has lost his eyesight; we had to take his eyes out." There is also the case of Judith: her son was in hospital and she was prevented from seeing him. One night she entered the room of the child without authorization and she saw then two doctors with chupas (medical suction instruments) who were trying to take out the eyes of the child. She could get away with the boy but the marks of the chupas remained around the eyes; he died later on in a strange way ..."

5. In Bogotá daily murders are committed against children by paramilitary and private groups such as "Muerte a Gamines". A team from a humanitarian institute with a doctor spends nights sewing up the wounds and caring for wounded children since there is no emergency medical service for them in Bogotá. A great many killers kill in the streets and of approximately 12,000 street children, only about 1,000 now remain. They are often executed, according to a witness, by a bullet in the head on the Road of Choachi. The word "Montserrate" means the sloping banks of the Road of Choachi and the children know well what it means. Among the disappeared children it seems that quite a number have been utilized for organ transplants. The Colombian authorities would like to put an end to that situation but they are not always aware of what exactly goes on.

6. The newspaper men, authors of the film "The Gamines of Bogotá" have not been able to go back and complete their research for security reasons. The witnesses of these crimes are constantly threatened and are in danger themselves all the time. The film was shown on French television under the title Les enfants perdus de Bogatá.

7. The Argentine writer Alicia Ortiz has published a book about Bogotá. The distress of the street children impressed her; she writes: "I was asked if I had not heard of the clinics network. For a long time in the slum districts of Bogotá people talked about a nurse who was looking for children, gave them candy and took them away in a white car. Some disappeared forever, others were found blind; their eyes had been taken out. Later on one heard that foreign clinics looking for eyes, hearts and kidneys to transplant them on their patients came to Bogotá to get enough fresh supplies. (A. Ortiz, Bogotá, pp. 59-60, Ed. Champ Vallon).

8. An article by Gilles Smadja in l'Humanité (24 April 1991) has been brought to our attention. It concerns traffic in organs practised on destitute children in the Dominican Republic. Traffickers would pay to the family of a child $400 to $1,700 according to its weight and the size. These children were brought to clandestine clinics and operated on for organs that would be sold for between $10,000 and $50,000. Those who survived remained crippled, many obviously died. According to the police 23 Dominicans were involved in the traffic, but the owners of the clinics, the surgeons and the invisible beneficiaries were impossible to find.

9. In February 1990 a Haitian, M. Bourjolly, declared to the organization Enfants du Monde that a traffic in organs taken from adults and children could not be contested. Enfants du Monde said that "teams in Haïti were then investigating the traffic in organs taken from children ... the problem was real but one did not know yet how vast it was."

10. In January 1990, a Catholic magazine quoted Carlyle Guerra de Macedo, of the Pan-American Health Organization, who had written that the traffickers didn't only manipulate the adoption market, but also extended their market to the traffic in organs taken from children for medical transplants; the case of a 10-year-old girl from Chili that the traffickers had abandoned after having taken one of her kidneys was a recent example.

11. As far back as July 1989 a New York City newspaper had published an article entitled "Human organs: global trade thrives" and quoted Dr. Jorge Neumann of the Institute of Cardiology of Sao Paulo, member of the Brazilian Association of organ transplants, who declared that there was a definite risk of a black market of organs in Brazil; this confirmed the statements of Father Barruel.

12. In Guatemala, stories in the local press and testimony of Guatemalans themselves also mention organ transplants.

13. The alarm has also been given concerning traffic in kidneys in India, in Bombay in particular. Le Monde published an article on this subject, mentioning in particular an intense traffic between the United Arab Emirates and Bombay. (The Lancet in Great Britain was the first to publish a communication on the subject, on 22 September 1990.)

14. WHO, preoccupied by this situation, has formulated directives for organ transplants. They are particularly anxious to stop the spreading of the AIDS epidemic through the use of transplants from infected people. In the United States three persons died and two others became seropositive from an infected donor whose organs and tissue had been distributed to 30 American hospitals by a firm in Virginia, Lifenet Transplantation Services. Now the health services are trying to locate the 58 persons in 16 States who have received these grafts from the donor. (Le Monde, 21 May 1991).

Witnesses

15. The director of the refuge in Bogotá is an eye witness to the murders of many children; he has gathered many documents and has recently sent us a film about blinded children. He is however constantly under threat for his life and has not dared come to testify openly in Geneva.

16. Another witness is a functionary of the Government of Colombia, who has also seen what has been described by the director of the refuge. The governmental official does not think the drug barons are involved in the murder of the children, only "Muerte a Gamines" and criminals and paramilitary groups; he said that he had heard of several gamines killed by the police.

17. Both men said that everybody knew about the tragedies of the street children, yet silence was imposed on those who could testify and threats to their lives made them avoid the subject.

18. Father Barruel, the priest who lives in Brazil and has done as much as he could for the abandoned and exploited children, said that he was preparing for the Working Group on Slavery a report on the transplant of organs taken from

very poor and unprotected children. He has been a witness to a great many tragedies involving children and various criminal groups in Brazil; we hope to have his report soon.

Support

19. The Commission for the Defense of Human Rights in Central America (CODEHUCA), based in San Jose, Costa Rica, sent to us in February 1988 a note about the traffic of children sold for organ transplants. From 1985 to 1986, they said that 166 children were exported from Guatemala without the authorities making any serious effort to trace them.

20. A representative of Venezuela also insisted at the Working Group on Slavery on the need to have a special item on the agenda about the transplant of organs so as to find out the truth about the disappearance of the "gamines".

21. We must mention here again that the traffic in organs involves the crime of enforced disappearance. This practice is now considered as a crime against humanity. During the 1990 session of the Sub-Commission on Human Rights the question of enforced or involuntary disappearances was thoroughly studied. Each State must ensure that the presumed author of a forced disappearance is brought to trial or extradited so that such persons can be brought to justice, whatever their nationality and wherever the act was committed. No State should grant political asylum or refugee status to somebody who has participated in an enforced disappearance. The crime is imprescriptible; the authors of enforced disappearances can never benefit from an amnesty, pardon, or any other measure that could exempt them from their penal responsibility.

Action by WHO

22. In May 1989 WHO issued resolution WHA 42.5 on preventing the purchase and sale of human organs. It said:

> "Concerned by the commercial trafficking in the organs of healthy donors, which exploits human distress and puts at increased risk the health of donors;
>
> "Aware that commercial arrangements for organ transplants are nevertheless being undertaken and that to date there has been little success in preventing trafficking in human organs;
>
> "Anxious to prevent the exploitation of human distress, particularly in children and other vulnerable groups, and to further the recognition of the ethical principles which condemn the buying and selling of organs for purposes of transplantation:
>
> 1. Calls upon Member States to take appropriate measures to prevent the purchase and sale of human organs for transplantation;
>
> 2. Recommends that Members States introduce legislation to prohibit trafficking in organs where this cannot effectively be prevented by other measures;

3. Urges Member States, in close cooperation with professional health organizations and supervising health authorities, to discourage all practices which facilitate commerical trafficking in organs;

4. Requests Member States to report as soon as possible to WHO on action taken with respect to this resolution;

5. Requests the Director-General to report to the 44th World Health Assembly the measure taken by the governments of Member States in furtherance of this resolution."

This resolution shows very clearly the concern that WHO felt about the traffic in organs, which had come to its knowledge from various sources.

23. In document WHA/44/11 of the 44th World Health Assembly in 1991, WHO returned to this subject:

"Continuous improvements in medical technology ... have brought about expansion of the practice and an increase in the demand for organs. A feature of organ transplantation since its commencement has been the shortage of available organs. Supply has never satisfied demand and this has led to the development in many countries of systems to increase supply. ... Shortage has led to the rise of commercial traffic in human organs particularly from living donors unrelated to the recipients. There is clear evidence of such traffic in recent years and fear has arisen of the possibility of related traffic in human beings. Health Assembly Resolutions WHA 40.13 and WHA 42.5 are an expression of international concern over these developments."

24. A number of guiding principles have been presented in relation to these considerations:

(a) Guiding principle 4: "No organ should be removed from the body of a living minor for the purpose of transplantation. Exceptions may be made under national law in the case of regenerative tissues";

(b) Guiding principle No. 5: "The human body and its parts cannot be subject of commerical transactions. Accordingly, giving or receiving payment (including compensation or reward) for organs should be prohibited";

(c) Guiding principles No. 7: "It should be prohibited for physicians or other health professionals to engage in organ transplantation procedures if they have reason to believe that the organs concerned have been the subject of commercial transactions";

(d) Guiding principle No. 8: "It should be prohibited for any person involved in organ transplantation procedures to receive any payment that exceeds a justifiable fee for the services rendered".

25. A commentary on guiding principle No. 4 repeats the absolute prohibition of the removal of organs for transplantation from legal minors and a commentary on guiding principle No. 7 strictly forbids physicians, medical

professionals and others involved in removal, intermediate management and implantation of organs with knowledge actual or constructive that commercial transactions have occurred.

26. On the international level, the Council of the Transplantation Society also proposed guidelines in September 1985. In paragraph 3, it is stated that "active solicitation of living unrelated donors for profit is unacceptable". In a Special Resolution the Council declared that "no transplant surgeon team shall be involved directly or indirectly in the buying or selling of organs or any transplant activity aimed at a commerical gain". In May 1978 the Council of Europe adopted an article 9 to Resolution R (78) 29 also forbidding that a human substance be offered for profit. In July 1986, the European Dialysis and Transplant Association approved a statement which read: "the practice of organ transplantation involving coercion or payment to a donor to induce him to donate an organ is unacceptable within ethical medicine. All responsible clinicians should make every effort to ensure that they do not become involved in transplantation from paid or coerced donors. In November 1987 a Conference of Health Ministers in Paris wrote a text with the two following paragraphs: "A human organ must not be offered for profit by any organization, organ banking centre or any individual whatsoever ... Neither organizations nor individuals should advertise outside their national territory either for donation or transplantation".

26. In October 1985, the 37th World Medical Assembly in Brussels noted that "in the recent past a trade of considerable financial gain has developed with live kidneys from underdeveloped countries for transplantation in Europe and the United States". The Governments are called upon in all countries to take effective steps to prevent the commercial use of human organs.

27. A Congress on Ethics, Justice and Commerce in Transplantation (Ottawa, August 1989) wrote a resolution confirming that the "buying and selling of human organs and tissue for transplantation is unacceptable", while resolution 4 (alleged criminal actions to obtain organs) reads as follows: "Criminal activity to obtain organs for transplantation is abhorrent. No evidence was presented to substantiate allegations of illegal and criminal acts to obtain organs but such allegations impose a duty to continue investigation by appropriate authorities".

28. Document WHA/44/11, from which this information is taken, clearly demonstrates the very serious preoccupation of WHO concerning the traffic in organs. As one representative said at a meeting, "everybody knows that such traffic exists but nobody can bring definite proof of it". No wonder, when the traffic is in the hands of criminals used to clandestinity and to protection from the very authorities who should try to arrest them.

29. The same document states that the State of Maharashtra in India appointed a special committee to examine commercial transactions in human organs ... the committee submitted a draft bill to prohibit trafficking of any nature in human organs for transplantation purposes and it is expected that this bill will become law before the end of 1990", which it did not. In January 1991 Mrs. Lakshmi Menon of Bombay wrote:

"In India the sale of kidneys from live donors is very common and there is an organized racket in this trade. Top medical surgeons are also sometimes involved in aiding and abetting in this crime. The problem has gained international dimensions with rich Arabs, Malaysians and Singaporeans (patients) coming to India to buy kidneys ... donors are pressurized into donating their kidneys for money. On account of their lack of education and their impoverished state their donation is said to be an 'informed consent'. The India TV is now making a film on organ transplants but it is needless to say that it is going to be highly controversial and also dangerous for the film crew and the journalists. The agents who coordinate the sale of organs have contacts with the underworld or are themselves criminals. Moreover the doctors who have an economic interest in this trade do not encourage journalists and researchers. Even during my initial research I was also intimidated."

30. As a conclusion of the 1991 World Health Assembly, the Assembly asked the Director-General to examine the guiding principles in the light of the experience of countries which would apply them and of new facts having appeared in the transplantation of human organs. (Doc. WHA/44/VR/11, 13 May 1991).

31. We must also mention the case of the donor who cannot give his consent. The consent of the donor is essential to allow legally the transplant of the organ. Encephalitic children are, of course, incapable of giving any kind of consent, yet they are potential sources of organs for transplantations because the rest of their organs are perfectly healthy. One must, however, distinguish between the medical aspect and the ethical and legal aspect. If the encephalitic child has a family, consent to the transplantation can be given by his parents or relatives. But what of an abandoned encephalitic child? The child dies and is immediately used for these costly transplantations. What does "immediately" mean exactly? As quickly as possible, without the formalities or precautions used in the case of a child who has a family responsible for him and for deciding what will be done along with the doctors and surgeons? There are now associations studying the social, legal and ethical questions concerning encephalitic children.

32. We find that there are many fields towards which our reflexions should be oriented concerning what was to be the great and happy progress of science and is now fraught with injustice, fraud and crime, for many instances of which it is difficult to obtain proof or evidence. (Médecine et Hygiène, 49ème année, February 1991)

INTERNATIONAL CATHOLIC CHILD BUREAU

[19 June 1991]
[Original: French]

Prostitution and child pornography

1. ICCB has just completed a book containing information on preventive projects and projects for the rehabilitation of the child victims of prostitution in some 20 countries. The book is entitled The Sexual Exploitation of Children: Field Responses.

2. In November 1990, in Latin America, ICCB organized a regional conference on children, with a workshop devoted to child prostitution. Subsequently, in the autumn of 1991, in Buenos Aires, a seminar of experts from the field will assess projects under way in five countries in the Southern Cone.

3. In Africa, ICCB is cooperating with the International Abolitionist Confederation (IAF) and with Environmental Development in the Third World (ENDA), in organizing a symposium entitled "Culture, sex and money", to be held in Côte d'Ivoire in 1991. On that occasion, the Catholic Church in Côte d'Ivoire, in conjunction with ICCB, will open two homes for young girls who are victims of prostitution. A survey of the situation of child prostitution is under way in Abidjan.

4. In Asia, ICCB is cooperating in the implementation of the campaign against sexual tourism and child prostitution and its ramifications in Europe, in particular in France and Belgium, and in the United States.

5. A project for action in southern Asia, and possibly in India, is in preparation.